

NONPROFIT ASSISTANCE FUND PROGRAM GUIDELINES

Note: changes from the original version of this document which are effective 11/1/2022 are indicated in **RED**.

The Nonprofit Assistance Fund will make one-time direct relief payments to eligible nonprofit organizations of up to \$100,000 per organization. The amount of the award shall be the net negative revenue difference between the organization's calendar year 2020 and calendar year 2021 financial statements.

The Nonprofit Assistance Fund website will begin accepting applications beginning on Monday, August 1, 2022 at 9:00 AM Eastern Time. **The initial application window closed on October 1, 2022.** Each applying nonprofit must complete the online application and supply all required information and documentation. The application website is TeamKYnonprofitfund.ky.gov. **A second application window will be open beginning on Monday, November 7, 2022 at 9:00 AM (Eastern Time), and will close on Wednesday, November 16, 2022 at 4:00 PM (Eastern Time). Only organizations that have not previously received an award will be considered for awards in the second application window.**

Definitions

“Qualifying Nonprofit Organization (QNO)” means an organization that has been granted exemption from federal income tax by the United States commissioner of internal revenue as organizations described in Section 501(c)(3), (6), (8) or as veterans' organizations described in Section 501(c) of the United States Internal Revenue Code of 1986 and subject to the provisions of the Nonprofit Corporation Act. Additionally, the organization must serve the citizens of the Commonwealth of Kentucky, and must be an arts organization or must serve at least one of the following populations: people living at or below the federal poverty level, people experiencing homelessness, communities of color, minimum or low-wage employees displaced by business closures, older adults living at or below the federal poverty level, people who are immunocompromised or fragile, immigrant and refugee communities, people with limited English proficiency, people with disabilities, people without health insurance, victims of domestic violence or child abuse, children in need of services, or workers without access to paid sick leave. **Only one award per EIN is generally permitted; however, an organization that files under a common Employee Identification Number (“EIN”) will be considered a QNO if each “branch” or sub-organization separately files a Form 990 with the Internal Revenue Service. Keeping separate financial records is not sufficient; the organization must file a *separate* Form 990 to be considered a QNO.**

“Based in Kentucky” means the organization must have a physical presence (e.g. an office, programmatic space, or outreach center) within the Commonwealth of Kentucky and provide services to citizens of the Commonwealth of Kentucky.

“Net Negative Revenue Difference” means the difference between the organization's overall revenue less expenses in calendar years 2020 and 2021.

~~“Federal Aid” means direct financial assistance, other than loans, through the federal CARES Act (Pub. L. No. 116-136), the Consolidated Appropriations Act, 2021 (H.R. 133), or any subsequent relief package enacted prior to the submission of the organization’s application to the Nonprofit Assistance Fund. Please note, this does not include forgivable loans provided via the Paycheck Protection Program (“PPP”).~~

“Certified Financial Documents” means either an organization’s Form 990 submission to the Internal Revenue Service, or financial documents with an accompanying affidavit attesting to the accuracy of the documents.

Eligibility Criteria

1. Only a Qualifying Nonprofit Organization (“QNO”) based in Kentucky, as those terms are defined above, shall be eligible for an award.
2. The QNO must designate an individual who is primarily responsible for the program application and whom can be contacted to provide clarifying information as necessary.
3. The QNO must supply all information and documentation required by the application. Incomplete applications may be rejected. An organization that has been rejected for relief payments is ineligible to reapply.
4. The QNO must be in active operation and remain in active operation for the entirety of Calendar Year 2022.
5. Complete applications must be received from the QNO no later than ~~Monday, October 1, 2022 at 4:30:00 PM Eastern Time~~ **Wednesday, November 16, 2022 at 4:00:00 PM Eastern Time.**

Program Operations and Guidelines

1. Applications will only be accepted via the program’s website, available at TeamKYnonprofitfund.ky.gov
2. Applications will be evaluated on the following basis:
 - a. The website will open for application submissions on August 1, 2022 at 9:00 AM Eastern Time, and shall close on October 1, 2022 at 4:30 PM Eastern Time. ~~The website will reopen for organizations that have not previously received an award on November 7, 2022 at 9:00 AM Eastern Time and will close on November 16, 2022 at 4:00 PM Eastern Time. The portal will not reopen after November 16, and no exceptions to this deadline will be made, regardless of circumstances. Applications received in the second application window will be evaluated on a strict first-come, first-served basis.~~
 - i. ~~Applications for QNOs that have not received Federal Aid will be evaluated on a first come, first served basis.~~

- ~~ii. Applications for QNOs that have received Federal Aid will also be considered on a first come, first served basis; however, no application from a QNO that has received Federal Aid shall be considered until such time as all applications for QNOs that have not received Federal Aid have been adjudicated.~~
 - b. Only complete applications will be considered. Incomplete applications may be denied.
3. Payments will only be made to QNOs to the extent funds remain available. No more than \$74,700,000 in total payments from the Fund will be made. A QNO is eligible for a maximum award of \$100,000. ~~In the event that funds remain available for award, but such funds are insufficient to provide the entire amount the organization is eligible to receive, the organization shall only receive the funds that remain available.~~
 4. Awards are made purely as a matter of grace, and the approval or denial of an application, and the amount of any approval, shall not be subject to appeal.
 5. The QNO must provide IRS Form 990 submission or certified financial documents (with an accompanying affidavit attesting to the accuracy of the documents) that demonstrate the net negative revenue difference, as those terms are defined, between calendar years 2020 and 2021.
 6. To the extent the net negative revenue difference shown by the QNO equals or exceeds \$100,000.00, provided the QNO meets all other eligibility criteria, the QNO shall be awarded \$100,000.00. Otherwise, the QNO shall be awarded the actual amount of its net negative revenue difference.
 7. A QNO that receives an award from the Nonprofit Assistance Fund must maintain all records submitted as part of its application for a period of five (5) years from the date of award.
 8. Upon request, the QNO shall provide all records submitted as part of its application to the Commonwealth of Kentucky, its agencies, agents, directors, and/or any part who has contracted with the Commonwealth of Kentucky for the purposes of ensuring compliance with local, state, or federal law. At its own expense, the QNO shall prepare photocopies of all requested records and provide them to the Commonwealth or any of the aforementioned parties upon written request of the Commonwealth within thirty (30) days of receiving such request.

Necessary Documentation and Application Information

1. Qualifying Nonprofit Organization information, including:
 - a. QNO name and/or DBA information
 - b. A copy of the QNO's Articles of Incorporations and/or Bylaws
 - c. Contact information for the authorized representative designated by the QNO

- d. The location of the QNO's physical presence in the Commonwealth (if more than one, the primary location)
 - e. Federal tax identification information (FEIN or Federal Tax ID)
 - f. Documentation showing the QNO's service to the relevant Kentucky populations (not applicable for arts organizations)
 - ~~g. Sworn statement (affidavit) regarding whether the organization has accepted federal funds~~
2. Certified financial documents demonstrating the net negative revenue between calendar years 2020 and 2021. These documents may be:
- a. Form 990s submitted to the Internal Revenue Service, provided that the QNO reports on a calendar year basis; or
 - b. Financial statements (e.g., Profit and Loss Statements) prepared by the QNO's financial officers; provided, however, that such prepared documents shall be accompanied by an affidavit attesting to the veracity of the information contained therein.
3. All applicants will be required to certify that they are in compliance with all Program Rules, Guidelines, and eligibility requirements. This certification will be completed as part of the online application process, and there will be no requirement to upload a document. Fraudulent applications will be referred to appropriate law enforcement entities for investigation and potential prosecution.